

***Central Utah Center for
Independent Living***

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August 8, 2001

Senator Orrin Hatch
104 Hart Senate Office Bldg.
Washington, DC 20510

Dear Senator Hatch;

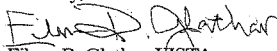
Thank you for your generic response to my letter voicing my concerns about the Jeffrey Sutton nomination to the 6th Circuit Court. I am aware of the process a nominee goes through before their name comes before the Senate. I am placing my hopes in you, that you will listen to the concerns of the disability community and fight for us to keep Mr. Sutton from being appointed.

Your letter mentioned some of Mr. Sutton's good points. I'm happy to hear he has some. However, the instances of his outspoken and antagonistic comments about the ADA and disability rights in general, are what is causing my concerns. Let me mention several:

- Sutton agreed that the protections of the ADA were "not needed" to remedy discrimination by states against people with disabilities. He also argued that Medicaid rights are unenforceable by individual recipients.
- Sutton's arguments can, and no doubt will, be extended to claim that rights under the Rehabilitation Act and the Individuals with Disabilities Education Act (IDEA) are unenforceable as well.
- Sutton has stated his belief that states should be the "principal bulwark in protecting civil liberties" - a statement that has grave implications given the massive record of state-sanctioned discrimination against individuals with disabilities.
- His direct attacks on the ADA - In *Olmstead v. L.C.*, he represented the state of Georgia before the Supreme Court and argued that states had no duty under the ADA to serve people with disabilities in integrated settings. He argued that unnecessarily keeping people with disabilities in institutions was not a form of discrimination.

These few examples, and there are many more, indicate that Mr. Sutton represents a grave threat to the civil rights of people with disabilities. We fought hard to secure the much-needed protections afforded by the ADA, Section 504, the IDEA, and Medicaid. We do not want to see those rights systematically stripped away as a result of the appointment of Jeffrey Sutton. I implore you to protect these rights for me and others like me.

Sincerely,


Eileen D. Gathar, VISTA
Advocacy, Research, & Resource
Development